IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23150 of 2003

Between:

L. Sambasiva Rao, S/o. Prakasa Rao,
R/o Plot No. 1030/A, Road No.51, Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1. The Govt. of A.P. rep by its Secretary,
Revenue (Registration) Department, Secretariat Building,
Hyderabad.
2. The District Collector, Krishna, Machilipatnam, Krishna
District.
3. The Sub-Registrar,(stamp and registration), Patamata,
Kalanagar, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the connected records from the respondents and issue an appropriate Writ, order or direction preferably a Writ in the nature of Mandamus directing the third respondent to receive the sale deed executed by Smt. P. Sampoornamma, W/o. Raj Rama Mohana Rao in favour of the petitioner in respect of the land of 267 Sy.yds. and the house bearing D.No.32-13-52B standing theron in Plot No.28, in R.S. No. 1/1A, situated at Mogalrajapuram, Vijayawada, Krishna District ignoring the notification said to have been issued by the Government prohibiting the registration of the sale deed in respect of the said property.

Counsel for the Petitioner:MR.K.RANGA RAO

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

The Court made the following ORDER:

The petitioner claims to have purchased 267 square yards of land situated in Plot No.28 in R.S.No.1/1A of Mogalrajapuram in Vijayawada town from one Sampoornamma in the year 2003.

It is stated that the said land was assigned in favour of one Jonnalagadda Krishna Rao on 30.12.1979 under the provisions of the Board Standing order 21 subject to conditions specified thereunder. The vendor of the petitioner P.Sampoornamma purchased the said land under a registered Sale Deed dated 11.06.1992 from the assignee Jonnalagadda Krishna Rao.

The case of the petitioner is that as per the terms and conditions of the assignment dated 30.12.1979, there was no prohibition as such for alienating the land in question after completion of ten years from the grant and particularly since the assignee has paid the market value in terms of condition No.18 of the grant and as a matter of fact, the sale was effected in favour of his vendor Sampoornamma under a Registered Sale Deed without raising any objection whatsoever. However, when the petitioner, by letter dated 06.10.2003, sought for a clarification as to whether the sale deed can be registered in his favour or not, the third respondent orally informed him that the sale deed cannot be registered in view of the notification issued by the Government prohibiting registration of sale deeds in respect of the said property, but details were not furnished. Hence this writ petition seeking a direction to the third respondent to receive the sale deed executed by Smt.P.Sampoornamma in favour of the petitioner in respect of the said land of 267 square yards situated in Plot No. 28 of Mogalrajapuram village and to register the same.

Though no counter-affidavit has been filed by the respondents 1 and 2, in the counter affidavit filed by the third respondent-Sub-Registrar, Patamata it is stated that the petitioner has not presented any document before the third respondent registering authority for registration and therefore, the writ petition is premature.

The said fact has not been disputed by the learned counsel for the petitioner.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioner to present the document in question before the competent authority for registration, in which event, the same shall be considered and appropriate action shall be taken in accordance with law. It is made clear that in case there is any objection for registering the document in question, the same shall be communicated to the

petitioner within four weeks from the date of presentation of the document. No costs.

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G. ROHINI, J

Dated : 15th December, 2004.

Note: Furnish C.C. in one week.

(B/O)

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To

1. The Secretary, Govt. of A.P., Revenue (Registration) Department, Secretariat Building, Hyderabad.
2. The District Collector, Krishna, Machilipatnam, Krishna District.

3. The Sub-Registrar,(stamp and registration), Patamata, Kalanagar, Vijayawada, Krishna District.

4. 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2CD copies.